

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 10, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 1118**

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**Introduced by Assembly Member Hagman**  
**(Coauthor: Assembly Member Skinner)**  
(Coauthor: Senator Nielsen)

February 22, 2013

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An act to ~~amend Section 72301 of the Government Code, to amend Sections 1269b and 1295 of, and to add Section 1269d to, to the Penal Code, and to amend Sections 40502, 42007, 42007.1, and 42008.7 of the Vehicle Code,~~ relating to bail.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1118, as amended, Hagman. Statewide bail schedule.

Existing law provides that it is the duty of the superior court judges in each county to prepare, adopt, and annually revise a uniform countywide *bail schedule of bail* for all bailable felony offenses and for all misdemeanor and infraction offenses, except Vehicle Code infractions. Under existing ~~law~~ *law*, a court may ~~prescribe~~ *adopt a local rule prescribing* the procedure by which the uniform countywide schedule is prepared, adopted, and annually revised by the judges. Existing law ~~provides that requires that~~, if the court does not adopt a local rule, the uniform countywide *bail schedule of bail* shall be prepared, adopted, and annually revised by a majority of the judges. ~~Various provisions of existing law require courts to follow the countywide schedule of bail prepared pursuant to these provisions.~~

This bill would ~~additionally~~ require the Judicial Council to prepare, adopt, and annually revise a statewide bail schedule for all bailable felony offenses and for all misdemeanor and infraction offenses except Vehicle Code infractions. ~~This bill would require a court to consider that statewide bail schedule when adopting a uniform countywide schedule. This bill would also require a court to mail a copy of the adopted bail schedule to the Judicial Council with a report that states how that schedule differs from the statewide bail schedule. This bill would make conforming changes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 72301 of the Government Code is~~  
2     ~~amended to read:~~

3     ~~72301. The clerk of the superior court or one or more deputy~~  
4     ~~clerks, the sheriff or one or more deputy sheriffs, or one or more~~  
5     ~~city police officers shall be in attendance at all hours of the day~~  
6     ~~and night, including Sundays and holidays, and may fix and accept~~  
7     ~~bail pursuant to procedures established by the court for the~~  
8     ~~appearance before the court of any defendant charged in the court~~  
9     ~~or whenever a defendant has been arrested and booked within the~~  
10    ~~county for having committed a misdemeanor. The amount of bail~~  
11    ~~shall be pursuant to the schedule of bail in those cases previously~~  
12    ~~fixed and approved pursuant to Section 1269b of the Penal Code.~~  
13    ~~If a warrant has been issued for the arrest of the defendant, the bail~~  
14    ~~shall be in the amount fixed in the warrant. The bail shall be cash,~~  
15    ~~negotiable United States Treasury bonds, or a surety bond executed~~  
16    ~~by a certified, admitted surety insurer as provided in the Insurance~~  
17    ~~Code.~~

18    ~~SEC. 2. Section 1269b of the Penal Code is amended to read:~~

19    ~~1269b. (a) The officer in charge of a jail in which an arrested~~  
20    ~~person is held in custody, an officer of a sheriff's department or~~  
21    ~~police department of a city who is in charge of a jail or is employed~~  
22    ~~at a fixed police or sheriff's facility and is acting under an~~  
23    ~~agreement with the agency that keeps the jail in which an arrested~~  
24    ~~person is held in custody, an employee of a sheriff's department~~  
25    ~~or police department of a city who is assigned by the department~~  
26    ~~to collect bail, the clerk of the superior court of the county in which~~

1 the offense was alleged to have been committed, and the clerk of  
2 the superior court in which the case against the defendant is  
3 pending may approve and accept bail in the amount fixed by the  
4 warrant of arrest, schedule of bail, or order admitting to bail in  
5 cash or surety bond executed by a certified, admitted surety insurer  
6 as provided in the Insurance Code, to issue and sign an order for  
7 the release of the arrested person, and to set a time and place for  
8 the appearance of the arrested person before the appropriate court  
9 and give notice thereof.

10 (b) If a defendant has appeared before a judge of the court on  
11 the charge contained in the complaint, indictment, or information,  
12 the bail shall be in the amount fixed by the judge at the time of the  
13 appearance. If that appearance has not been made, the bail shall  
14 be in the amount fixed in the warrant of arrest or, if no warrant of  
15 arrest has been issued, the amount of bail shall be pursuant to the  
16 schedule of bail previously fixed and approved as provided in this  
17 section.

18 (c) It is the duty of the superior court judges in each county to  
19 prepare, adopt, and annually revise a uniform countywide schedule  
20 of bail for all bailable felony offenses and for all misdemeanor  
21 and infraction offenses except Vehicle Code infractions. The  
22 penalty schedule for infraction violations of the Vehicle Code shall  
23 be established by the Judicial Council in accordance with Section  
24 40310 of the Vehicle Code.

25 (d) A court may, by local rule, prescribe the procedure by which  
26 the uniform countywide schedule of bail is prepared, adopted, and  
27 annually revised by the judges. If a court does not adopt a local  
28 rule, the uniform countywide schedule of bail shall be prepared,  
29 adopted, and annually revised by a majority of the judges.

30 (e) (1) In adopting a uniform countywide schedule of bail for  
31 all bailable felony offenses the judges shall consider the seriousness  
32 of the offense charged. In considering the seriousness of the offense  
33 charged the judges shall assign an additional amount of required  
34 bail for each aggravating or enhancing factor chargeable in the  
35 complaint, including, but not limited to, additional bail for charges  
36 alleging facts that would bring a person within any of the following  
37 sections: Section 667.5, 667.51, 667.6, 667.8, 667.85, 667.9,  
38 667.10, 12022, 12022.1, 12022.2, 12022.3, 12022.4, 12022.5,  
39 12022.53, 12022.6, 12022.7, 12022.8, or 12022.9 of this code, or

~~Section 11356.5, 11370.2, or 11370.4 of the Health and Safety Code.~~

~~(2) In considering offenses in which a violation of Chapter 6 (commencing with Section 11350) of Division 10 of the Health and Safety Code is alleged, the judge shall assign an additional amount of required bail for offenses involving large quantities of controlled substances.~~

~~(f) The countywide bail schedule shall contain a list of the offenses and the amounts of bail applicable for each as the judges determine to be appropriate. If the schedule does not list all offenses specifically, it shall contain a general clause for designated amounts of bail as the judges of the county determine to be appropriate for all the offenses not specifically listed in the schedule. A copy of the countywide bail schedule shall be sent to the officer in charge of the county jail, to the officer in charge of each city jail within the county, to each superior court judge and commissioner in the county, and to the Judicial Council.~~

~~(g) Commencing January 1, 2015, a court adopting the countywide bail and penalty schedule required pursuant to subdivision (c) shall consider the statewide bail schedule prepared in accordance with Section 1269d. After adopting a countywide bail schedule pursuant to subdivision (c), a court shall, as soon as practicable, mail a copy of the adopted bail schedule to the Judicial Council with a report that states how that bail schedule differs from the statewide bail schedule promulgated pursuant to Section 1269d.~~

~~(h) Upon posting bail, the defendant or arrested person shall be discharged from custody as to the offense on which the bail is posted.~~

~~All money and surety bonds so deposited with an officer authorized to receive bail shall be transmitted immediately to the judge or clerk of the court by which the order was made or warrant issued or bail schedule fixed. If, in the case of felonies, an indictment is filed, the judge or clerk of the court shall transmit all of the money and surety bonds to the clerk of the court.~~

~~(i) If a defendant or arrested person so released fails to appear at the time and in the court so ordered upon his or her release from custody, Sections 1305 and 1306 apply.~~

1     ~~SEC. 3.~~

2     ~~SECTION 1.~~ Section 1269d is added to the Penal Code, to read:

3     1269d. (a) In addition to preparing the penalty schedule for  
4     infraction violations of the Vehicle Code pursuant to Section  
5     40310, it is the duty of the Judicial Council, on or before January  
6     1, 2015, to prepare, adopt, and annually revise a statewide bail  
7     schedule for all bailable felony offenses and for all misdemeanor  
8     and infraction offenses except Vehicle Code infractions.

9     (1) The Judicial Council shall appoint a group of judges, deemed  
10    by the council sufficient to adequately represent counties varying  
11    in size from throughout the state, to develop and approve the  
12    statewide bail schedule.

13    (2) In preparing, adopting, and annually revising the statewide  
14    bail schedule, the Judicial Council shall consult with the following  
15    representatives:

16    (A) A representative appointed by the California District  
17    Attorneys Association.

18    (B) A representative appointed by the California Public  
19    Defenders Association.

20    (C) A representative appointed by the California Attorneys for  
21    Criminal Justice.

22    (D) A representative appointed by the California State Sheriffs'  
23    Association.

24    ~~(E) Two representatives, each appointed by both the Golden~~  
25    ~~State Bail Agents Association and the California Bail Agents~~  
26    ~~Association.~~

27    (3) *In preparing, adopting, and annually revising the statewide*  
28    *bail schedule, the Judicial Council shall receive and consider input*  
29    *regarding the statewide bail schedule from interested parties other*  
30    *than those specified in paragraph (2).*

31    (b) (1) In adopting the statewide bail schedule for all bailable  
32    felony offenses the Judicial Council shall consider the seriousness  
33    of the offense charged. In considering the seriousness of the offense  
34    charged the Judicial Council shall assign an additional amount of  
35    required bail for each aggravating or enhancing factor chargeable  
36    in the complaint, including, but not limited to, additional bail for  
37    charges alleging facts that would bring a person within any of the  
38    following sections: Section 667.5, 667.51, 667.6, 667.8, 667.85,  
39    667.9, 667.10, 12022, 12022.1, 12022.2, 12022.3, 12022.4,  
40    12022.5, 12022.53, 12022.6, 12022.7, 12022.8, or 12022.9 of this

code, or Section 11356.5, 11370.2, or 11370.4 of the Health and Safety Code.

(2) In considering offenses in which a violation of Chapter 6 (commencing with Section 11350) of Division 10 of the Health and Safety Code is alleged, the Judicial Council shall assign an additional amount of required bail for offenses involving large quantities of controlled substances.

(c) The statewide bail schedule shall contain a list of the offenses and the amounts of bail applicable for each as the Judicial Council determines to be appropriate. If the schedule does not list all offenses specifically, it shall contain a general clause for designated amounts of bail as the Judicial Council determines to be appropriate for all the offenses not specifically listed in the schedule.

(d) The Judicial Council shall adopt California Rules of Court consistent with this section.

SEC. 4. Section 1295 of the Penal Code is amended to read:

~~1295. (a) The defendant, or any other person, at any time after an order admitting defendant to bail or after the arrest and booking of a defendant for having committed a misdemeanor, instead of giving bail may deposit, with the clerk of the court in which the defendant is held to answer or notified to appear for arraignment, the sum mentioned in the order or, if no order, in the schedule of bail previously fixed by the judges of the court pursuant to Section 1269b, and, upon delivering to the officer in whose custody defendant is a certificate of the deposit, the defendant must be discharged from custody.~~

~~(b) Where more than one deposit is made with respect to any charge in any accusatory pleading based upon the acts supporting the original charge as a result of which an earlier deposit was made, the defendant shall receive credit in the amount of any earlier deposit.~~

~~(c) The clerk of the court shall not accept a general assistance check for this deposit or any part thereof.~~

SEC. 5. Section 40502 of the Vehicle Code is amended to read:

~~40502. The place specified in the notice to appear shall be any of the following:~~

~~(a) Before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made.~~

1 ~~(b) Upon demand of the person arrested, before a judge or other~~  
2 ~~magistrate having jurisdiction of the offense at the county seat of~~  
3 ~~the county in which the offense is alleged to have been committed.~~  
4 ~~This subdivision applies only if the person arrested resides, or the~~  
5 ~~person's principal place of employment is located, closer to the~~  
6 ~~county seat than to the magistrate nearest or most accessible to the~~  
7 ~~place where the arrest is made.~~

8 ~~(c) (1) Before a person authorized to receive a deposit of bail.~~

9 ~~(2) The clerk and deputy clerks of the superior court are persons~~  
10 ~~authorized to receive bail in accordance with the schedule of bail~~  
11 ~~approved pursuant to Section 1269b of the Penal Code.~~

12 ~~(d) (1) Before the juvenile court, a juvenile court referee, or a~~  
13 ~~juvenile hearing officer within the county in which the offense~~  
14 ~~charged is alleged to have been committed, if the person arrested~~  
15 ~~appears to be under the age of 18 years. The juvenile court shall~~  
16 ~~by order designate the proper person before whom the appearance~~  
17 ~~is to be made.~~

18 ~~(2) In a county that has implemented the provisions of Section~~  
19 ~~603.5 of the Welfare and Institutions Code, if the offense alleged~~  
20 ~~to have been committed by a minor is classified as an infraction~~  
21 ~~under this code, or is a violation of a local ordinance involving the~~  
22 ~~driving, parking, or operation of a motor vehicle, the citation shall~~  
23 ~~be issued as provided in subdivision (a), (b), or (c); provided,~~  
24 ~~however, that if the citation combines an infraction and a~~  
25 ~~misdemeanor, the place specified shall be as provided in this~~  
26 ~~subdivision.~~

27 ~~(e) If the place specified in the notice to appear is within a~~  
28 ~~county where a department of the superior court is to hold a night~~  
29 ~~session within a period of not more than 10 days after the arrest,~~  
30 ~~the notice to appear shall contain, in addition to the above, a~~  
31 ~~statement notifying the person arrested that the person may appear~~  
32 ~~before a night session of the court.~~

33 ~~SEC. 6. Section 42007 of the Vehicle Code is amended to read:~~

34 ~~42007. (a) (1) The clerk of the court shall collect a fee from~~  
35 ~~every person who is ordered or permitted to attend a traffic violator~~  
36 ~~school pursuant to Section 41501 or 42005 in an amount equal to~~  
37 ~~the total bail set forth for the eligible offense on the bail schedule~~  
38 ~~required pursuant to Section 1269b of the Penal Code. As used in~~  
39 ~~this subdivision, "total bail" means the amount established pursuant~~  
40 ~~to Section 1269b of the Penal Code in accordance with the Uniform~~

~~Bail and Penalty Schedule adopted by the Judicial Council, including all assessments, surcharges, and penalty amounts. Where multiple offenses are charged in a single notice to appear, the “total bail” is the amount applicable for the greater of the qualifying offenses. However, the court may determine a lesser fee under this subdivision upon a showing that the defendant is unable to pay the full amount.~~

~~The fee shall not include the cost, or any part thereof, of traffic safety instruction offered by a traffic violator school.~~

~~(2) The clerk may accept from a defendant who is ordered or permitted to attend traffic violator school a payment of at least 10 percent of the fee required by paragraph (1) upon filing a written agreement by the defendant to pay the remainder of the fee according to an installment payment schedule of no more than 90 days as agreed upon with the court. The Judicial Council shall prescribe the form of the agreement for payment of the fee in installments. When the defendant signs the Judicial Council form for payment of the fee in installments, the court shall continue the case to the date in the agreement to complete payment of the fee and submit the certificate of completion of traffic violator school to the court. The clerk shall collect a fee of up to thirty-five dollars (\$35) to cover administrative and clerical costs for processing an installment payment of the traffic violator school fee under this paragraph.~~

~~(3) If a defendant fails to make an installment payment of the fee according to an installment agreement, the court may convert the fee to bail, declare it forfeited, and report the forfeiture as a conviction under Section 1803. The court may also charge a failure to pay under Section 40508 and impose a civil assessment as provided in Section 1214.1 of the Penal Code or issue an arrest warrant for a failure to pay. For the purposes of reporting a conviction under this subdivision to the department under Section 1803, the date that the court declares the bail forfeited shall be reported as the date of conviction.~~

~~(b) Revenues derived from the fee collected under this section shall be deposited in accordance with Section 68084 of the Government Code in the general fund of the county and, as may be applicable, distributed as follows:~~

~~(1) In any county in which a fund is established pursuant to Section 76100 or 76101 of the Government Code, the sum of one~~



1 dollar (\$1) for each fund so established shall be deposited with the  
2 county treasurer and placed in that fund.

3 ~~(2) In any county that has established a Maddy Emergency~~  
4 ~~Medical Services Fund pursuant to Section 1797.98a of the Health~~  
5 ~~and Safety Code, an amount equal to the sum of each two dollars~~  
6 ~~(\$2) for every seven dollars (\$7) that would have been collected~~  
7 ~~pursuant to Section 76000 of the Government Code and,~~  
8 ~~commencing January 1, 2009, an amount equal to the sum of each~~  
9 ~~two dollars (\$2) for every ten dollars (\$10) that would have been~~  
10 ~~collected pursuant to Section 76000.5 of the Government Code~~  
11 ~~with respect to those counties to which that section is applicable~~  
12 ~~shall be deposited in that fund. Nothing in the act that added this~~  
13 ~~paragraph shall be interpreted in a manner that would result in~~  
14 ~~either of the following:~~

15 ~~(A) The utilization of penalty assessment funds that had been~~  
16 ~~set aside, on or before January 1, 2000, to finance debt service on~~  
17 ~~a capital facility that existed before January 1, 2000.~~

18 ~~(B) The reduction of the availability of penalty assessment~~  
19 ~~revenues that had been pledged, on or before January 1, 2000, as~~  
20 ~~a means of financing a facility which was approved by a county~~  
21 ~~board of supervisors, but on January 1, 2000, is not under~~  
22 ~~construction.~~

23 ~~(3) The amount of the fee that is attributable to Section 70372~~  
24 ~~of the Government Code shall be transferred pursuant to~~  
25 ~~subdivision (f) of that section.~~

26 ~~(c) For fees resulting from city arrests, an amount equal to the~~  
27 ~~amount of base fines that would have been deposited in the treasury~~  
28 ~~of the appropriate city pursuant to paragraph (3) of subdivision~~  
29 ~~(b) of Section 1463.001 of the Penal Code shall be deposited in~~  
30 ~~the treasury of the appropriate city.~~

31 ~~(d) The clerk of the court, in a county that offers traffic school~~  
32 ~~shall include in any courtesy notice mailed to a defendant for an~~  
33 ~~offense that qualifies for traffic school attendance the following~~  
34 ~~statement:~~

35 ~~—~~

36 ~~NOTICE: If you are eligible and decide not to attend traffic~~  
37 ~~school your automobile insurance may be adversely affected. One~~  
38 ~~conviction in any 18-month period will be held confidential and~~  
39 ~~not show on your driving record if you complete a traffic violator~~  
40 ~~school program.~~

1     —

2     ~~(e) Notwithstanding any other provision of law, a county that~~  
3 ~~has established a Maddy Emergency Medical Services Fund~~  
4 ~~pursuant to Section 1797.98a of the Health and Safety Code shall~~  
5 ~~not be held liable for having deposited into the fund, prior to~~  
6 ~~January 1, 2009, an amount equal to two dollars (\$2) for every ten~~  
7 ~~dollars (\$10) that would have been collected pursuant to Section~~  
8 ~~76000.5 of the Government Code from revenues derived from~~  
9 ~~traffic violator school fees collected pursuant to this section.~~

10     ~~SEC. 7. Section 42007.1 of the Vehicle Code is amended to~~  
11 ~~read:~~

12     ~~42007.1. (a) The amount collected by the clerk pursuant to~~  
13 ~~subdivision (a) of Section 42007 shall be in an amount equal to~~  
14 ~~the total bail set forth for the eligible offense on the bail schedule~~  
15 ~~pursuant to Section 1269b of the Penal Code plus a~~  
16 ~~forty-nine-dollar (\$49) fee, and a fee determined by the department~~  
17 ~~to be sufficient to defray the cost of routine monitoring of traffic~~  
18 ~~violator school instruction pursuant to subdivision (c) of Section~~  
19 ~~11208, and a fee, if any, established by the court pursuant to~~  
20 ~~subdivision (c) of Section 11205.2 to defray the costs incurred by~~  
21 ~~a traffic assistance program.~~

22     ~~(b) Notwithstanding subdivision (b) of Section 42007, the~~  
23 ~~revenue from the forty-nine-dollar (\$49) fee collected under this~~  
24 ~~section shall be deposited in the county general fund. Fifty-one~~  
25 ~~percent of the amount collected under this section and deposited~~  
26 ~~into the county general fund shall be transmitted therefrom monthly~~  
27 ~~to the Controller for deposit in the Immediate and Critical Needs~~  
28 ~~Account of the State Court Facilities Construction Fund,~~  
29 ~~established in Section 70371.5 of the Government Code.~~

30     ~~(c) The fee assessed pursuant to subdivision (c) of Section 11208~~  
31 ~~shall be allocated to the department to defray the costs of~~  
32 ~~monitoring traffic violator school instruction.~~

33     ~~SEC. 8. Section 42008.7 of the Vehicle Code is amended to~~  
34 ~~read:~~

35     ~~42008.7. (a) The State of California continues to face a fiscal~~  
36 ~~and economic crisis affecting the state budget and the overall state~~  
37 ~~economy. In light of this crisis, a one-time infraction amnesty~~  
38 ~~program would do the following:~~

1 ~~(1) Provide relief to individuals who have found themselves in~~  
2 ~~violation of a court-ordered obligation because they are financially~~  
3 ~~unable to pay traffic bail or fines.~~

4 ~~(2) Provide increased revenue at a time when revenue is scarce~~  
5 ~~by encouraging payment of old fines that have remained unpaid.~~

6 ~~(3) Allow courts and counties to resolve older delinquent cases~~  
7 ~~and focus limited resources on collecting on more recent cases.~~

8 ~~(b) A one-time amnesty program for fines and bail meeting the~~  
9 ~~eligibility requirements set forth in subdivision (c) shall be~~  
10 ~~established in each county. Unless agreed otherwise by the court~~  
11 ~~and the county in writing, the government entities that are~~  
12 ~~responsible for the collection of delinquent court-ordered debt~~  
13 ~~shall be responsible for implementation of the amnesty program~~  
14 ~~as to that debt, maintaining the same division of responsibility in~~  
15 ~~place with respect to the collection of court-ordered debt under~~  
16 ~~subdivision (b) of Section 1463.010 of the Penal Code.~~

17 ~~(c) As used in this section, the term “fine” or “bail” refers to~~  
18 ~~the total amounts due in connection with a specific violation, which~~  
19 ~~include, but are not limited to, the following:~~

20 ~~(1) Base fine or bail, as established by court order, by statute,~~  
21 ~~or by the court’s bail schedule adopted pursuant to Section 1269b~~  
22 ~~of the Penal Code.~~

23 ~~(2) Penalty assessments imposed pursuant to Section 1464 of~~  
24 ~~the Penal Code and Sections 70372, 76000, 76000.5, 76104.6, and~~  
25 ~~76104.7 of the Government Code.~~

26 ~~(3) Civil assessment imposed pursuant to Section 1214.1 of the~~  
27 ~~Penal Code.~~

28 ~~(4) State surcharge imposed pursuant to Section 1465.7 of the~~  
29 ~~Penal Code.~~

30 ~~(5) Court security fee imposed pursuant to Section 1465.8 of~~  
31 ~~the Penal Code.~~

32 ~~(d) In addition to and at the same time as the mandatory one-time~~  
33 ~~amnesty program is established pursuant to subdivision (b), the~~  
34 ~~court and the county may jointly agree to extend that amnesty~~  
35 ~~program to fines and bail imposed for a misdemeanor violation of~~  
36 ~~this code and a violation of Section 853.7 of the Penal Code added~~  
37 ~~to the misdemeanor case otherwise subject to the amnesty. The~~  
38 ~~amnesty program authorized pursuant to this subdivision shall not~~  
39 ~~apply to parking violations and violations of Section 23103, 23104,~~  
40 ~~23105, 23152, or 23153 of this code.~~

~~(e) Violations are only eligible for amnesty if paragraph (1), (2), or (3) applies and the requirements of paragraphs (4), (5), and (6) are met:~~

~~(1) The violation is an infraction violation filed with the court.~~

~~(2) It is a violation of subdivision (a) or (b) of Section 40508, or a violation of Section 853.7 of the Penal Code added to the case subject to paragraph (1).~~

~~(3) The violation is a misdemeanor violation filed with the court to which subdivision (d) applies.~~

~~(4) The due date for payment of the fine or bail was on or before January 1, 2009.~~

~~(5) The defendant does not owe victim restitution on any case within the county.~~

~~(6) There are no outstanding misdemeanor or felony warrants for the defendant within the county, except for misdemeanor warrants for misdemeanor violations authorized by the court and the county pursuant to subdivision (d).~~

~~(f) Each amnesty program shall accept, in full satisfaction of any eligible fine or bail, 50 percent of the fine or bail amount, as defined in subdivision (e) of this section. Payment of a fine or bail under an amnesty program implemented pursuant to this section shall be accepted beginning January 1, 2012, and ending June 30, 2012. The Judicial Council shall adopt guidelines for the amnesty program no later than November 1, 2011, and each program shall be conducted in accordance with Judicial Council guidelines.~~

~~(g) No criminal action shall be brought against a person for a delinquent fine or bail paid under the amnesty program.~~

~~(h) The total amount of funds collected under the amnesty program shall as soon as practical after receipt thereof be deposited in the county treasury or the account established under Section 77009 of the Government Code. Any unreimbursed costs of operating the amnesty program, excluding capital expenditures, may be deducted from the revenues collected under the amnesty program by the court or the county that incurred the expense of operating the program. Notwithstanding Section 1203.1d of the Penal Code, the remaining revenues collected under the amnesty program shall be distributed on a pro rata basis in the same manner as a partial payment distributed pursuant to Section 1462.5 of the Penal Code.~~

1     ~~(i) Each court or county implementing an amnesty program~~  
2     ~~shall file, not later than September 30, 2012, a written report with~~  
3     ~~the Judicial Council, on a form approved by the Judicial Council.~~  
4     ~~The report shall include information about the number of cases~~  
5     ~~resolved, the amount of money collected, and the operating costs~~  
6     ~~of the amnesty program. Notwithstanding Section 10231.5 of the~~  
7     ~~Government Code, on or before December 31, 2012, the Judicial~~  
8     ~~Council shall submit a report to the Legislature summarizing the~~  
9     ~~information provided by each court or county.~~

O